

Message Text

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SUBJECT: TCWP MEETING ON EXPORT CONTROLS JUNE 3-4

1. SECRETARIAT PAPER TFD/TD/855 (DRAFT REPORT TO THE TRADE COMMITTEE ON POSSIBLE OPTIONS FOR STRENGTHENING INTERNATIONAL COOPERATION IN THE FIELD OF EXPORT CONTROLS) WAS HAND CARRIED TO DEPARTMENT MAY 19 BY R. SWART, EB/ODF. MISSION WOULD APPRECIATE EARLY INFORMATION ON WASHINGTON REPRESENTATION PLANNED AND GUIDANCE FOR JUNE 3-4 MEETING.

2. MISSION COMMENT ON PAPER: ALTHOUGH 855 IS IMPROVEMENT OVER PREVIOUS EFFORTS, WE BELIEVE SOME REVISION WOULD MAKE IT (A) MORE USEFUL IN TERMS OF PROVIDING INPUT TO OTHER OECD ACTIVITIES (SUCH AS POSSIBLE HIGH LEVEL GROUP ON COMMODITIES PROBLEMS), OR GATT NEGOTIATIONS, AND (B) MORE ACCEPTABLE TO CANADIANS AND AUSTRALIANS. AS IT STANDS, PAPER STILL SEEMS TO OVER-EMPHASIZE GENERAL CODE IDEA, EQUATING THIS IN SOME PLACES WITH "MULTILATERAL APPROACH". INDEED PAPER APPEARS DESIGNED TO LEAD TO CONCLUSION THAT CODE IS MOST IMPORTANT AVENUE OF POSSIBLE INCREASED COOPERATION.

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3. REFOCUSING EARLY PORTIONS WOULD HELP GIVE PAPER

BETTER BALANCE. INTRODUCTION, FOR EXAMPLE, ATTRIBUTES MAIN REASON FOR CONCERN ABOUT EXPORT CONTROLS TO "FEAR OF LOOPHOLE IN TRADE REGULATIONS" (PARA 8). EQUALLY IMPORTANT WOULD SEEM TO BE RECOGNITION THAT SUPPLY ACCESS IS LIKELY TO BE SUBJECT OF NEGOTIATIONS IN GATT OR OTHER FORUMS AND VALUE FOR MEMBER STATES OF EXPLORING OPTIONS FOR COMMITMENTS IN THIS AREA.

4. PARAS 14 AND 15 UNDER "AIMS" SECTION SEEM PARTICULARLY UNBALANCED AND LIKELY TO BRING FORTH NEGATIVE REACTION TO PAPER BY EXPORTERS. FORMER MIGHT BE RESTRUCTURED IN TERMS OF DESIRE OF COUNTRIES TO IMPROVE THEIR ACCESS TO SUPPLIES IN WAYS WHICH SAFEGUARD THE INTERESTS OF BOTH IMPORTERS AND EXPORTERS AND TO AVOID ACTIONS WHICH RESULT, UNDER ABNORMAL SITUATIONS, IN AN UNDUE SHIFTING OF THE BURDEN OF ADJUSTMENT TO CUSTOMERS ABROAD. PARA 15 COULD THEN BE REVISED TO PHRASE THE QUESTION NOT AS "WHAT SET OF RULES SHOULD GOVERN ALL TRADE POLICIES RELATING TO EXPORTS," BUT "WHAT KINDS OF COMMITMENTS, INCLUDING POSSIBLY GENERAL RULES OF BEHAVIOR, MIGHT COUNTRIES OFFER OR REQUEST CONCERNING US OF EXPORT CONTROLS."

5. PARAS 32 AND 35 WOULD APPEAR TO NEED CONSIDERABLE STRENGTHENING. AS "SECTORAL APPROACH" IS THE PREFERRED "OPTION" FROM THE POINT OF VIEW OF CANADA, AUSTRALIA, AND POSSIBLY OTHER EXPORTERS, IT SHOULD BE GIVEN MORE EXTENDED TREATMENT AND JUDGMENTS SUCH AS THOSE IN PARA 35 WHICH TILT THE PAPER TOWARD THE GENERAL CODE SHOULD BE AVOIDED. SECTION AS IT STANDS REFERS PRIMARILY TO TRADITIONAL COMMODITY AGREEMENTS AND QUANTITATIVE COMMITMENTS OF SUPPLY AND ACCESS. IT WOULD SEEM DESIRABLE TO INCLUDE THE POSSIBILITY OF A WIDE RANGE OF POSSIBLE FORMS OF COMMITMENTS, INCLUDING SUBSCRIPTION TO A CODE OF CONDUCT FOR PARTICULAR COMMODITIES, AND POSSIBILITY OF UNDERTAKING COMMITMENTS OUTSIDE FRAMEWORK OF PRICE STABILIZATION AGREEMENTS.

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